

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
v.) Case No. 1:16-mj-169
HENRY BENNETT) Judge Steger
)

MEMORANDUM AND ORDER

HENRY BENNETT (“Defendant”) came before the Court for a Preliminary Hearing, pursuant to Fed. R. Crim. P. 5.1, on July 19, 2016, after being charged in a Criminal Complaint [Doc. 1]. Defendant was present at the hearing, along with his attorney, Anthony Martinez. The Government was represented by AUSA Chris Poole.

As an initial matter, Attorney Martinez indicated that Defendant wanted to waive a Detention Hearing. The Court granted that request and proceeded to the Preliminary Hearing.

AUSA Chris Poole called DEA Task Force Officer James C. Hixson. Officer Hixson was sworn in. On direct examination, Officer Hixson testified to the facts contained in the Affidavit Submitted in Support of Criminal Complaint [Doc. 1]. Attorney Martinez cross-examined Officer Hixson. During such questioning, Officer Hixson voluntarily corrected an error in paragraph 8 of the Affidavit by pointing out that, via a recording device during a controlled buy on July 14, 2016, Defendant was heard to say that he was traveling to Atlanta (abbreviated as “the A”) the following morning to pick up a half “brick” rather than a whole “brick.” Officer Hixson explained that “brick” is slang for a kilogram of cocaine. Officer Hixson did not suggest that any further changes were necessary to the facts recited in the Affidavit.

Based on the Preliminary Hearing, the Court makes the following findings:

1. The testimony of Officer James C. Hixson is credible and reliable.
2. Officer Hixson and the Chattanooga Police Department used a Confidential Source to make three controlled purchases of two ounces of cocaine on each occasion during a period of roughly five months, with the most recent purchase taking place on July 14, 2016.
3. The controlled purchase of cocaine that took place on July 14, 2016, was monitored and verified by law enforcement.
4. When Defendant was arrested immediately following the July 14, 2016, controlled

purchase, he was found to be in possession of, among other things, an ounce of cocaine, a digital scale and marked currency that had been given to the Confidential Source to make the controlled purchase.

Based upon these findings by the Court, it is hereby ORDERED that sufficient credible and reliable evidence was offered by the government to establish that **there is probable cause** to believe that the offense alleged in the Criminal Complaint entitled *United States v. Henry Bennett*, Case No. 1:16-mj-169, specifically that Defendant has violated 21 United States Code Sections, 841(a)(1) and (b)(1)(C), that is, distribution of cocaine, has been committed and that Defendant, Henry Bennett, has committed such offense. Accordingly, Defendant Henry Bennett will be held to answer in District Court.

SO ORDERED.

ENTER.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE